

JUSTICE PRATT REBUKED.

A VICTORY FOR BROOKLYN.

PANY COMMISSION SUSTAINED.

... BARNARD IN GENERAL TERM OF

RULES THE DECISION SETTING ASIDE THE
AWARD—OVER \$1,000,000 SECURED TO
THE OCEAN TUG SUPPLY COMPANY

NOT EXPECTED TO APPEAL.

An important decision, handed down yesterday by the Supreme Court, General Term.

ward writing the opinion, marks a substantial victory for Brooklyn taxpayers in their long fight against the Ring which had gained con-

and tried to effect a secret sale of its plant and franchises to the city at an overvaluation of \$1,000,000. If the public should be

As a consequence of the proceedings begun on December 22, 1890, by William J. Gaynor, et

Chapin, restraining him from consummating the sale, commissioners were appointed by the Supreme Court to appraise the property. Ed-

Bliss, as a majority of the commission, made an award of \$575,000. Their report to this effect was set aside by Justice Pratt as inad-

Appeal was had to the General Term, Justice Gullen and Deltman sitting with Chief Justice.

reverses Justice Pratt's order, refusing a confirmation of the commissioners' report, with disbursements and grants a motion.

The plant of the Long Island Water Supply Company is situated in the former town

which became the Twenty-sixth Ward of the City of Brooklyn in 1886. The water company was organized in 1881, and a passage in the a

claimed, was a forgery, inserted in the bill between its final passage and the writing of the Governor's signature, provided for the acquittal of the accused.

prohibited the extension within the territory
the annexed town, of the city's water system
until the expiration of the company's charter,
else until the purchase by the city of the pro

In the summer of 1886 the owners of the property tried to sell out to the city for \$500,000. The drawing of public attention to the project by the press, the publication of the peculi-

pany had been gained, and the general belief that the amount asked was excessive, defeated the scheme for the time.

A determined effort by certain politicians whose names have been kept secret with remarkable care, resulted in their acquisition

for \$175,000. It was the exposure in cold type of an effort by Alfred C. Chapin, as Mayor, Theodore F. Jackson, as Controller, and Thom

carry out a secret agreement to pay on December 19, 1890, the sum of \$1,250,000, with allowances for interest on outstanding bonds, which would have brought the total to something like

indignation upon the public officials mentioned, which is still fresh in the public mind, and make their holding of elective offices in the future an impossibility.

year Mayor Chapin had an opportunity, which he neglected, to acquire the plant and right of the water company by eminent domain. His failure to do so gave the company's charter

In 1892 new legislation on the subject allowed the city to acquire title by condemnation. Under this act the commission to appraise the value

Their report, which was set aside by Justice Pratt, is confirmed by yesterday's decision.

THE COMMISSIONERS SUSTAINED.

and the facts in the case, the Chief Justice overrules Justice Pratt, and holds that the commissioners were right in not basing their a

works company to furnish water to the territory within the old town of New-Lots. The act of 1873, under which the company was organized, does not grant it such exclusive right.

of the town and its contract with the company gave no such exclusive right to the company which, moreover, gained no additional power by its contribution to the Association act. This

the company from injurious competition unless the city should make a just compensation for its property. In the memorable fight between

carried up to the Court of Appeals, it was ruled as Chief Justice Barnard points out, that the intention of the Legislature was only to prevent direct competition with the company until the

From the report of the commission, which thus confirmed, two members, Edward Row

majority, but they failed to name any other figures than those agreed upon by Messrs. Sheppard, Hunt and Bliss.

The history of the formation of that commission is an interesting one. Mayor Boocker submitted to Judge Pratt a list of what

Justice Pratt rejected all of them. A majority of the men he did select were finally retired for one reason or another, two of the men being legally ineligible and E. B. Bartlett re-

Donald and ex-Judge George G. Reynolds, counsel for the city in the suit, refused to act long in that capacity unless another judge completed the commission. Edward M. Shepa-

By an ingenious act of the Legislature, since repealed, but in force when the commission reported, if Justice Pratt should set aside their

company had the option to appeal from his decision if he should confirm it. Justice Pringle set it aside, and appointed a new commission, whose existence ceases by virtue of the

the right to appeal from the decision of the General Term, but it is not thought that it will do so.

THE GENERAL TERM SUSTAINS JUSTICE CULLE
AND DENOUNCES THE GIVING AWAY OF

Justice Dykman, in General Term, handed down a decision yesterday morning which gives another blow at the corruptionists in the Common Council.

Company offered to pay \$30,000 for the authority to build a line in Union-st., but it was given to rival company that did not offer a cent for it.

began a suit against the company to prevent from building its road. Justice Cullen adjudged the granting of the franchise to be illegal, and the General Term has sustained his decision. The opi-

Plainly it was a case of manslaughter, as judged by the motives which actuate men, the inference is easily drawn that the action was conclusive. If the object was not to favor the defendant corporation the act is inexplicable. That fav-

The act was a fraud upon the city. Official misconduct and bad faith are so near the domain of fraud that the line of partition is indistinguishable. In fact, to the eye of an ordinary observer, the fraud here is palpable. One company offered

used, and the other offered nothing and received no consent. We concur fully with the trial judge that the prevention of the realization of money by the city is equivalent to waste of the public

fraudulent, and the judgment should be affirmed with costs.